

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LATWAHN MCELROY,
Plaintiff,

v.

WARDEN, et al.,
Defendants.

No. 2:21-cv-0642 JAM DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 3, 2021, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 8.) Plaintiff has filed objections to the findings and recommendations. (ECF No. 13.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 3, 2021 (ECF No. 8), are adopted in full;
2. Plaintiff's motion to proceed in forma pauperis (ECF No. 5) is denied;
3. The court finds plaintiff accrued three strikes under 28 U.S.C. § 1915(g) prior to filing this action;
4. Plaintiff is ordered to pay the \$402.00 filing fee in order to proceed with this action within thirty (30) days;
5. Plaintiff is warned that his failure to comply with this order will result in this action being dismissed; and
6. This matter is referred back to the assigned magistrate judge for all further pretrial proceedings.

Dated: September 3, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE